8

D.B. CIVIL SPECIAL APPEAL NO.107/2006.
[MEERA PARK VIKAS SAMITI VS. RHB & ANR.]

DATED : 19.01.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.Sangeet Lodha}
Mr.Anil Bhandari} for appellant.
Mr.B.D.Purohit for the respondent.

*****

After settling all other objections which remained outstanding vide order dated 23.08.2006 relating to the demands raised by the respondent Housing Board on account of certain amount outstanding against petitioners in regard to allotment of house to each of the member of the petitioners society holding out a threat of cancelling their allotment. Court had issued directions to issue fresh demands in terms of order dated 23.8.06.

Before any modified demands were issued, the petitioner moved an application seeking yet clarification as to the date w.e.f. which the interest is to be calculated on instalments paid by the members of petitioners society. This application was filed on 12.10.2006. In reply thereto the respondents disclosed details of their calculation about the amount of interest payable on deposits made by the allottees in Para 9 and the amount due against each of the 13 allottees up to 31.12.2006 after providing the allottees credit of interest on the amount deposited by them.

The appellant has a caveat that this calculation does not appear to be correct and no demand notice has been served to them in terms of the order dated 23.08.2006.

In view of the fact that by taking a genuine stand the respondents have disclosed the amount outstanding against each of the petitioners up to 31.12.2006 by adjusting the interest which according to them is due to respective allottees, we are of the opinion that further cutting of corners are not required particularly keeping in view the statement made by the learned counsel for the respondent Housing Board that even now if the petitioners are able to place before the Housing Board some material about the payment of instalments in due time and to that extent the demands shall be modified.

The appeal is, therefore, disposed of with a direction that 13 persons named in the reply shall deposit the amount due stated against each of them within 15 days. On such deposit being made the respondents shall issue no dues certificate to the allottees and and the finality of allotment shall stand closed. If any of the petitioners wants to raise dispute about the interest credited on deposit made by him and with reference to actual deposits made within time and shall make an application to the Board within 15 days of the deposit made by him and on such grievance being made, the Board shall look into the grievance objectively and pass an appropriate order which shall be final.

No orders as to costs.

[CHATRA RAM JAT]J. **[RAJESH BALIA], J.**

mamta